

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

REGULAR AGENDA REQUEST

TO: Board of County Commissioners

FROM: Josh D. Peters, AICP, Community Development Director
Tami Pokorny, Natural Resources Program Coordinator, Environmental Public Health
Donna Frostholm, Associate Planner, Community Development
Brent A. Butler, AICP, Chief Strategy Officer, Community Development

DATE: July 10, 2023

RE: Federal Emergency Management Agency (FEMA) Community Assistance Visit (CAV)/Washington State Department of Ecology sustainable development grants

STATEMENT OF ISSUE:

Based on the community need highlighted during the March 15, 2023 Brinnon Town Hall meeting, the Department of Community Development ("DCD") investigated opportunities to obtain technical support to advance Brinnon's growth and development. Through this investigation and also in preparation for a FEMA-required audit, DCD learned that Jefferson County could potentially mitigate, avoid, reduce or eliminate some of the Brinnon's overlapping hazards if there is community support for the advanced research and engineering available through grants summarized in this report. For this reason, DCD requests authorization to first verify that there is interest and then to apply in the event that there is verified interest.

BACKGROUND:

In accordance with the Growth Management Act (GMA), Jefferson County identifies Brinnon as a Limited Area of More Intensive Rural Development (LAMRID), and designates it as one of the county's two Rural Village Centers ("RVC"). RVCs are historically settled with commercial uses serving the local community.

Community Development Department staff became aware that Brinnon is exposed to multiple hazards including among others flooding, landslides and wildland fires. Based on the comments at the March 14, 2023 Town Hall meeting the community desires to grow and develop despite these challenges. For this reason, DCD seeks to apply for grants upon securing community support for the express purpose of determining how best to meet these community expectations.

ANALYSIS:

Brinnon's downtown core appears to be located within the regulatory floodway, an especially high-risk Special Flood Hazard Area (SFHA). SFHA are areas where there is a one percent chance of flooding in any given year and FEMA regulates improvements to land through the mortgage markets, requiring insurance for any federally guaranteed loan (mortgage). Floodways are located within SFHAs and are an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential. Property and casualty insurance policies do not cover losses arising out of flooding so property owners typically purchase a separate flood policy. For these reasons, FEMA offers subsidized flood insurance if community provisions to reduce flood hazards are in place. While the National Flood Insurance Act of 1968, which established the National Flood Insurance Program (NFIP), did not formally mandate individual participation, it did, however, deny disaster relief to persons who could have purchased flood insurance, but did not do so. Jefferson County's flood damage prevention regulations are codified in Chapter 15.15 and meets this general requirement so FEMA authorizes subsidized flood insurance.

In the fourth quarter of 2023, the Federal Emergency Management Agency ("FEMA") will audit Jefferson County's compliance with the National Flood Insurance Program ("NFIP") through its implementation of Jefferson County Code (JCC) Chapter 15.15 entitled *Flood Damage Prevention*. FEMA will also review Chapter 15.15 to ensure the Floodplain Management regulations meet or exceed the minimum criteria outlined in 44 Code of Federal Regulations (CFR) Part 60.3 entitled *Flood plain management criteria for flood-prone areas*. FEMA will conduct this audit through a state agency, the Department of Ecology ("ECY"). ECY will tour the floodplain, inspect community permit files, and meet with local appointed and elected officials as part of the Customer Assistance Visit ("CAV") audit that should occur once every five years; Jefferson County's last CAV occurred more than twelve years ago. County residents with flood insurance may lose their federally subsidized flood insurance policies in the event that the county fails to implement the NFIP.

Typically, FEMA's higher regulatory standards in the floodway increase development costs and reduce potential development opportunities. Moreover, rebuilding after a significant flood event may be impossible for most uninsured property owners since disaster relief funds are denied persons who could have purchased flood insurance but didn't do so.

The Jefferson County Code sets forth the following provisions for development in the floodway.

1. The code prohibits encroachments, including fill, new construction, substantial improvements, and other development unless a registered professional engineer certifies there no increase in flood levels in the one percent change flood through hydrologic and hydraulic analyses
 2. Construction or reconstruction of residential structures is prohibited within designated floodways, except for
 - a. repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and
 - b. repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50 percent of the market value of the structure either
 - i. before the repair, or reconstruction is started, or
 - ii. if the structure has been damaged, and is being restored, before the damage occurred.
- Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the

local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50 percent; and

Identified methods to reduce, eliminate, avoid or mitigate flood risks include: 1) obtaining grants to better assess vulnerability and implement engineered structural and/or non-structural solutions, and 2) amending the Jefferson County Code to reduce or offset the regulatory burden and, 3) add fiscal incentives to encourage sustainable growth and development.

Grant methodology - Based on three successful grant funded projects the Washington State Department of Ecology awarded Jefferson County in 2022, including the county's Sea Level Rise, Big and Little Quilcene Flood Hazard Management Plan, and the Shoreline Users' Guide grants, DCD is well-positioned to apply for and win awards amounting to \$2,250,000 in grant funding over the next nine months. These grants would assist Brinnon grow and develop sustainably. Notably, Brinnon is a census designated place whose population is larger than Quilcene's population and is likely to have expansive growth over the next ten to twenty years in a large part due to the Pleasant Harbor Master Planned Resort development. A \$250,000 competitive shoreline planning grant opportunity opening in July may assist the county identify how Brinnon can accommodate new growth that recognizes shoreline constraints and associated hazards. Typical climate resilience planning projects under this shoreline competitive grant may address one or more hazards such as sea level rise vulnerability, wildfire planning, channel migration, and flooding. Permit monitoring and adaptive management are also within the scope of this grant award. The Floodplains by Design grant available in 2024 would allow up to \$2,000,000 for engineering and construction projects to implement recommendations originating from the shoreline grant.

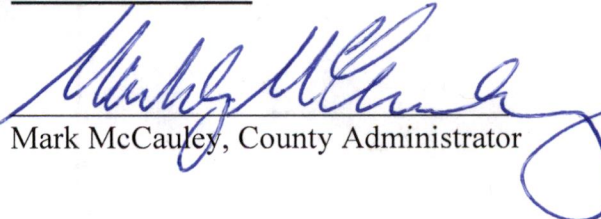
FISCAL IMPACT:

These grants require no match but would require a project manager who oversees the work of consultants.

RECOMMENDATION:

This meeting is intended to apprise the BoCC of these grant opportunities and to seek feedback. DCD requests BoCC support for submitting two planning grant applications should there be evidence of community support.

REVIEWED BY:

 7/6/23
Mark McCauley, County Administrator Date